

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/564,920

Confirmation No. 5304

Applicant: Destura et al.

Filed: January 17, 2006

TC/AU: 2629

Examiner: Grant D. Sitta

Docket No.: 259404 (Client Reference No. P80375US00)

Customer No.: 23460

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed January 7, 2010, rejecting the following claims: 1, 2, 4 and 7-15.

1. Pre-Appeal Brief Request for Review

A "Pre-Appeal Brief Request for Review"

☐ is filed concurrently herewith or ☒ is not being filed.

2. Status of Applicants

This application is on behalf of ☐ other than a small entity or ☒ a small entity.

3. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 41.20(b), the fee for filing the Notice of Appeal is for:

☐ other than a small entity or ☒ a small entity.

Notice of Appeal Fee due \$270.00

- ☐ A Notice of Appeal Fee was previously paid with respect to an earlier Appeal, on which no final Board decision was rendered, and the amount previously paid is hereby deducted from the Notice of Appeal Fee submitted herewith.

Amount of Previously Paid Notice of Appeal Fee (\$0.00)

Total Amount of Notice of Appeal Fee Submitted Herewith \$0.00

4. Fee for Requesting Oral Hearing

Pursuant to 37 CFR 41.20(b), the fee for filing the Request for Oral Hearing is for:

- ☐ other than a small entity or ☐ a small entity.

Fee for Requesting Oral Hearing due \$ 0.00

- ☐ A fee for requesting an Oral Hearing was previously paid with respect to an earlier Appeal, on which no final Board decision was rendered, and the amount previously paid is hereby deducted from the Fee for Requesting Oral Hearing submitted herewith.

Amount of Previously Paid Fee for Requesting Oral Hearing (\$0.00)

Total Amount of Fee for Requesting Oral Hearing Submitted Herewith \$0.00

5. Extension of Time

- ☒ Appellants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is \$65.00.

- ☐ An extension for _____ has already been secured and the fee paid therefor of \$ 0.00 is deducted from the total fee due for the total amount of extension now requested.

- ☐ Appellants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that appellants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$65.00

6. Total Fee Due

The total fee due is:

| | |
|--------------------------|----------|
| Notice of Appeal Fee | \$270.00 |
| Request for Oral Hearing | \$0.00 |
| Extension Fee (if any) | \$65.00 |

Total Fee Due: \$335.00


7. Fee Payment

- ☐ Attached is a check in the sum of \$.
☒ Charge Account No. 12-1216 the sum of \$335.00.

8. Fee Deficiency

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216.

Respectfully submitted,



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Date: May 7, 2010